

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF GEORGIA  
MACON DIVISION**

<b>AUTO-OWNERS INSURANCE COMPANY,</b>	:
<b>Plaintiff,</b>	:
<b>v.</b>	:
	<b>5:06-cv-100 (HL)</b>
<b>BRANDON M. WHATLEY; M.A.P. OF MACON, INC. d/b/a BUFFALO'S CAFE; MICHAEL DEWAYNE CHILDS; RIVALRY'S INC.; CJ'S BAR &amp; GRILL, INC.; CITY OF MACON; AND MARTIN KENDRICK,</b>	:
<b>Defendants.</b>	:

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**O R D E R**

On September 30, 2007, this Court issued an Order (doc. 50) dismissing without prejudice Plaintiff's Motion for Summary Judgment (doc. 40). Plaintiff's motion sought a declaration from the Court that Plaintiff had no duty to defend or indemnify Defendant CJ's Bar & Grill, Inc. ("Defendant") against claims asserted in an underlying lawsuit filed in the Superior Court of Bibb County.<sup>1</sup> At the time this Court's Order issued, no party had responded to Plaintiff's summary judgment motion, and Defendant did not have an attorney of record.

It has now come to the Court's attention that the underlying lawsuit in Bibb County Superior Court which gives rise to the above-captioned case has been voluntarily dismissed. It is the Court's understanding that, as a result, all issues in this case have been resolved. Accordingly, this case is,

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<sup>1</sup> The underlying lawsuit is captioned: Brandon Whatley v. M.A.P. of Macon Inc., d/b/a Buffalo's Cafe; Michael Dewayne Childs; Rivalry's Inc.; CJ's Bar & Grill, Inc.; City of Macon; and Martin Kendrick. The suit is designated as Civil Action File No. 05CV42553.

and is hereby, **DISMISSED** without prejudice. Should any party desire to re-open the case, it shall move to do so on or before Friday, May 23, 2008. The Clerk of Courts is ordered to close this case.

SO ORDERED, this 13th day of May, 2008.

*/s/ Hugh Lawson*  
HUGH LAWSON, CHIEF JUDGE  
UNITED STATES DISTRICT COURT

HL/cbb